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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

EXAMINER	
HASSAN, RASHEDUL	

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com
ntovar@microsoft.com
a-rydore@microsoft.com

Office Action Summary	**Application No.** 10/678,806	**Applicant(s)** GOLDSMITH, KEVIN	
	Examiner Rashedul Hassan	**Art Unit** 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2007*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30 and 33* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-30, and 33* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13, 17-23, and 25-30 are rejected as being directed to non-statutory subject matter.

Claims 1-13 are directed to “a system comprising one or more tangible processor readable media”. In the Office Action of 05/23/2007, the Examiner rejected these claims as being directed to non-statutory subject matter because the system as claimed could have been reasonably be interpreted as nothing more than programs or functional descriptive materials only, without any expressed combination with an appropriate computer readable medium so as to be structurally and functionally interrelated to the medium and permit the functionality of the descriptive material to be realized (see the Office Action of 05/23/2007). To correct the defect, the Applicant added the limitation “one or more tangible processor readable media” to claim 1 in the Amendment filed on 07/23/2007, being under the impression that such is suggested by the examiner as “an appropriate computer readable medium”, probably because of pervious withdrawal in the Final Office action of 05/23/2007 of the rejections under 35 U.S.C 101 made in the Office Action of 11/06/2006 upon Applicant’s amendments to claims including the limitation “tangible processor readable medium”. Unfortunately such withdrawal of the rejections by the Examiner in the Final Office Action of 05/23/2007 was improper because the term “tangible processor readable medium” is not considered to be sufficient to render the claims statutory under the meaning of 35 U.S.C. 101. Given that the instant disclosure mentions that a processor readable medium can be "any means that can contain, store, communicate, propagate, or transport instructions for use by or execution by a processor", there is this rebuttable presumption that the Applicant intends to include signals or carrier waves as the claimed “one or more tangible processor readable media”. It is being debated at present whether signals and carrier waves are to be considered as tangible media or not. Pending a conclusive decision resulting from this debate, currently the Office considers propagation medium such as signals and carrier waves to be encompassed by the scope of “tangible processor readable medium”, yet not being statutory subject matter under the meaning of 35 U.S.C. 101. Therefore claims 1-13 are still considered to be directed to non-statutory subject matter under the meaning of 35 U.S.C. 101.

Claims 17-23, and 25-30 are also directed to “a tangible processor-readable medium and therefore rejected under the same rationale as mentioned above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, and 11-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuhiro Suzuki (US 5,485,175) hereinafter Yasuhiro.

For claim 1, Yasuhiro teaches a computer implemented method and corresponding system comprising:

One or more applications (circuit designing CAD application, column 1 line 21-24); and

An operating system (inherent in a work station as mentioned in column 1 line 18) comprising at least one module (operating system routines that must be invoked using system calls from applications requesting service from the operating system for various low-level functions such as reading from an input device, writing to a display device, memory management etc.) configured to receive one or more menu calls (menu calls in the broadest reasonable interpretation can be considered to be system calls made with regard to menu related tasks) from the one or more applications that specify a plurality of menu items (e.g., the CAD application specifies a plurality of menu items A-F to be displayed as shown in 3A in Fig. 2A), at least one of the menu items being selectable to implement a function of the one or more applications (e.g., each of the menu options A-F are selectable to implement a function of the CAD application) and to service those calls by:

displaying (a system call must be made to invoke operating system routines in order to access the display device for displaying) a top level menu (menu 3A in Fig. 2A);

receiving (a system call must be made to invoke operating system routines in order to receive a selection using an input device) a first selection of the top level menu item (menu item B of top level menu 3A in Fig. 2A);

in response to the first selection, displaying (a system call must be made to invoke operating system routines in order to access the display device for displaying) a second level menu (3B in Fig. 2A) in place of the top level menu (Column 4, line 38-42), the second level menu including the top level menu item (6 in menu 3B in Fig. 2A) and second level menu items (4 in menu 3B in Fig. 2A).

Hereinafter all limitations concerning the tasks of "displaying" or receiving a selection are considered to be inherently taught by Yasuhiro as being serviced, at least in part (at the lower level), by operating system routines (modules) based on the above reasoning presented in the rejection of claim 1, even if not explicitly pointed out by the Examiner in this Office Action.

For claims 2, 4 and 5 Yasuhiro further teaches that the at least one module (operating system routines as described in the rejection of claim 1 hereinabove) is further configured for displaying a senior level menu in place of (column 4, lines 38-42) a junior level menu when the respective senior level menu item is selected from the junior level menu. Yasuhiro uses a senior branching line for reversing the menu hierarchy (Fig 2B, Column 5, lines 43-52).

For claim 3, Yasuhiro further teaches that the at least one module (operating system routines as described in the rejection of claim 1 hereinbefore) is further configured for:

receiving a second selection of a second level menu item (B3 of second level menu 3B in Fig. 2A);

in response to the second selection, displaying a third level menu (3C in Fig. 2A) in place of the second level menu (3B in Fig. 2A), the third level menu including the top level menu item (B in third level menu 3C in Fig. 2A), the second level menu item (B_3 in third level menu 3C in Fig. 2A) and third level menu items (4 in third level menu 3C in Fig. 2A) when a second level menu item (B3 in second level menu 3B in Fig. 2A) is selected from the second level menu.

For claim 6, Yasuhiro further teaches that the menu displayed in a particular hierarchy each displayed with at least an identical hierarchy "command name displaying part" , a "junior hierarchy branching mark displaying part" and a "senior command name displaying part" (summary of the invention). Thus anticipating the claimed limitations:

the at least one module (operating system routines as described in the rejection of claim 1 hereinbefore) configured for:

receiving a third selection of a third level menu item from the third level menu; and in response to the third selection, displaying a fourth level menu in place of the third level menu, the fourth level menu including all the selected items from parent menus (senior command name displaying part) and also fourth level menu items (command name displaying part) when a third level menu item is selected from the third level menu.

For claim 7, Yasuhiro further teaches that the top level menu item (B in second level menu 3B in Fig. 2A) is oriented within the second level menu (3B in Fig. 2A) above the second level menu items (4 in second level menu 3B in Fig. 2A).

For claims 8,11 and13, Yasuhiro anticipates the claimed limitations of associating a "backward pointer" (senior hierarchy branching mark) with the upper level menu item(s) (senior hierarchy command name displaying part) to indicate that a selection of one of the upper level menu items will replace the current level menu with the respective upper level menu (Column 4, line 50-59, 3B in Fig. 2A).

For claims 9 and 12, Yasuhiro anticipates the claimed limitations of associating a "forward pointer" (junior hierarchy branching mark) with the current level menu items (identical hierarchy command name displaying part) in the current level menu to indicate that a selection of a current level menu item will replace the current level menu with a lower level menu (column 4, lines 6-12, 3B in Fig. 2A).

For claim 14, Yasuhiro teaches a computer including the system of claim 1 (column 1 line 18).

For claims 15-16, Yasuhiro teaches a computer (column 1 line 18) comprising:

One or more applications (circuit designing CAD application, column 1 line 21-24); and

an operating system (inherent in a work station as mentioned in column 1 line 18) comprising at least one module configured to service one or more calls (operating system routines that must be invoked using system calls from applications requesting service from the operating system for various low-level functions such as reading from an input device, writing to a display device, memory management etc.) received via one or more application programming interfaces (inherent since application programming interface is the interface by which an application program accesses operating system to request services) from the one or more applications that specify a plurality of menu items (e.g., the CAD application specifies a plurality of menu items A-F to be displayed as shown in 3A in Fig. 2A), at least one of the menu items being selectable to implement a function of the one or more applications (e.g., each of the menu options A-F are selectable to implement a function of the CAD application) by:

displaying (a system call must be made to invoke operating system routines in order to access the display device for displaying) a parent menu (3A in Fig. 2A);

displaying a submenu (3B in Fig. 2A) in place of the parent menu in response to a selection of a parent said menu item (menu item B in parent menu 3A in Fig. 2A, column 4, line 38-42) within the parent menu; and

maintaining a stack of previously selected parent said menu items (6 in 3B in Fig. 2A, low-level operating system routines inherently service memory access and management functions for maintaining the stack in memory and for subsequently displaying the stack on the display) in the submenu (3B), each of previously selected said menu items (menu item B in 3B in Fig. 2A) configured to display a corresponding parent menu in place of the submenu when selected (Column 5, lines 43-52).

For claims 17, Yasuhiro teaches a tangible processor-readable medium (inherently taught in Yasuhiro as being a necessary requirement to store the instructions for carrying out the described method) comprising processor-executable instructions that are configured to provide an operating system (inherent in a work station as mentioned in column 1 line 18) comprising at least one module (e.g., the operating system routines as pointed out in the rejection of claim 15 hereinbefore) that is callable by one or more applications (e.g., callable by the CAD application, column 1 lines 21-24) to specify a plurality of menu items (e.g., the operating system routines are callable by the CAD application, for example in order to specify a plurality of menu items A-F as shown in 3A in Fig. 2A to be displayed on the display screen), at least one of the menu items being selectable to implement a function of the one or more applications (e.g., each of the menu options A-F are selectable to implement a function of the CAD application) via on or more application programming interfaces (inherent as pointed out in the rejection of claim 15 hereinbefore) for:

displaying (a system call must be made to invoke operating system routines in order to access the display) a parent menu from a hierarchical menu (3A in Fig. 2A);

receiving (a system call must be made to invoke operating system routines in order to receive a selection using an input device) a first selection of a first said menu item from the parent menu (menu item B of the parent menu 3A in Fig. 2A);

displaying (a system call must be made to invoke operating system routines in order to access the display device for displaying) a submenu (3B in Fig. 2A) from the hierarchical menu in place of the parent menu in response to the first selection (Column 4, line 38-42); and

displaying the menu item (B in menu 3B in Fig. 2A) within the submenu as a previously selected said menu item selectable to jump back to the parent menu.

For claim 18, Yasuhiro further teaches that the module is further callable to display the parent menu in place of the submenu in response to receipt of a selection of the previously selected said menu item (as already discussed in the rejection of claim 2 hereinbefore).

For claim 19, Yasuhiro further teaches that the module is further callable to display (a system call must be made to invoke operating system routines in order to access the display device for display) a second submenu (3C in Fig. 2A) from the hierarchical menu in place of the submenu (3B in Fig. 2A) in response to receipt of a selection of a submenu item, wherein the second submenu (3C in Fig. 2A) includes the previously selected said menu item (B in menu 3C in Fig. 2A) selectable to jump back to the parent menu and the submenu item (B3 in menu 3C in Fig. 2A) selectable to jump back to the submenu (Column 5, lines 43-52).

For claim 20, Yasuhiro teaches a tangible processor-readable medium (inherently taught in Yasuhiro as being a necessary requirement to store the instructions for carrying out the described method) comprising processor-executable instructions that are configured to provide an operating system (inherently taught in Yasuhiro as being a necessary requirement to store the instructions for carrying out the described method) comprising at least one module that is callable by one or more applications to specify a plurality of menu options (e.g., the operating system routines are callable by the CAD application, for example in order to specify a plurality of menu items A-F as shown in 3A in Fig. 2A to be displayed on the display screen), at least one of the menu options being selectable to implement a function of the one or more applications (e.g., each of the menu options A-F are selectable to implement a function of the CAD application);

specify whether to implement a hierarchical in-place menu or a hierarchical menu that is not in-place (e.g., the CAD application specifies to implement a hierarchical in-place menu, see Fig. 2A); and display a GUI (graphical user interface) configured to implement the hierarchical in-place menu comprising the plurality of menu options (a menu displayed on a computer screen is by necessity a GUI, see Fig. 2A), the hierarchical in-place menu comprising:

a parent menu (3A in Fig. 2A) that includes parent menu options (e.g., 4 in 3A of Fig. 2A), at least one parent menu option being selectable to replace the parent menu with a submenu (see 3B in Fig. 2A); and

the submenu (3B in Fig. 2A) that includes the at least one parent menu option (6 in 3B of Fig. 2A) and submenu options (4 in 3B of Fig. 2A).

For claim 21, Yasuhiro further teaches that the at least one parent menu option is selectable from the submenu to replace the submenu with the parent menu (see the rejection of claim 2 hereinabove)

For claim 22, Yasuhiro teaches a tangible processor-readable medium (inherently taught in Yasuhiro as being a necessary requirement to store the instructions for carrying out the described method) comprising processor-executable instructions that are configured to provide an operating system (inherently taught in Yasuhiro as being a necessary requirement to store the instructions for carrying out the described method) comprising at least one module that is callable by one or more applications to:

specify a plurality of menu items (e.g., the operating system routines are callable by the CAD application, for example in order to specify a plurality of menu items A-F as shown in 3A in Fig. 2A to be displayed on the display screen), at least one of the menu items being selectable to implement a function of the one or more applications (e.g., each of the menu options A-F are selectable to implement a function of the CAD application); and

display a GUI (graphical user interface) configured to implement a hierarchical menu to include the plurality of menu items (a menu displayed on a computer screen is by necessity a GUI, see Fig. 2A), the hierarchical menu comprising a current menu (see 3B in Fig. 2A) that includes current menu options (4 in 3B of Fig. 2A) and a previously selected menu option (6 in 3B of Fig. 2A) from a parent menu (e.g., from parent menu 3A in Fig. 2A), the previously selected menu option selectable to replace the current menu with the parent menu (see the rejection of claim 2 hereinabove).

For claim 23, Yasuhiro further teaches that the current menu includes a plurality of previously selected menu items, each previously selected menu item corresponding to a respective parent menu and selectable to replace the current menu with the respective parent menu.

Claim 24 is directed to a computer comprising the tangible processor readable medium that is configured to provide the at least one module that is callable by the one or more applications to display the GUI of claim 22. Since the use of a computer is taught by Yasuhiro (column 1 line 18) and since all the limitations of the GUI of claim 22 are anticipated by Yasuhiro as explained in the foregoing discussion, this claim is therefore also anticipated by Yasuhiro.

Claims 25-30 are directed to a tangible processor-readable medium comprising processor-executable instructions that are configured to display a GUI configured to implement a hierarchical menu or to display a hierarchical menu wherein the hierarchical menu has some of the limitations as already recited in previous claims. Since these claims do not recite any additional limitations that have not been already addressed in the rejections of claims 1-24 hereinabove, Yasuhiro anticipates these claims also based on the same reasoning as discussed in detail regarding claims 1-24 hereinabove.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhiro in view of Jobs et al. (US 6,686,938 B1) hereinafter Jobs.

For claim 33, Yasuhiro teaches a computer (column 1 line 18) comprising:

an application program (circuit designing CAD application, column 1 line 21-24);

an operating system (inherently taught in Yasuhiro as being a necessary requirement to store the instructions for carrying out the described method) and the application program that specify a plurality of menu items (e.g., the CAD application specifies a plurality of menu items A-F to be displayed as shown in 3A in Fig. 2A), at least one of the menu items being selectable to implement a function of the application (e.g., each of the menu options A-F are selectable to implement a function of the CAD application), the hierarchical in-place menu (Fig. 2A) including a parent menu (3A in Fig. 2A) and a submenu (3B in Fig. 2A) each displayable separately from one another (column 4, line 38-42) and each having a parent menu option (B in menu 3A and 3B in Fig. 2A), the parent menu option selectable from the parent menu to replace the parent menu with the submenu (column 4, line 38-42) and the parent menu option selectable from the submenu to replace the submenu with the parent menu (column 5, lines 43-55).

Although Yasuhiro teaches implementing the hierarchical menu as an in-place pop-up menu within a circuit design CAD program (hence, the CAD program as a whole can be considered as a hierarchical in-place menu module), nevertheless, Yasuhiro does not explicitly teach encapsulating the menu implementation functionality within a procedure or a function or a class etc., so as to be considered as a separate module from the code segment of the application program and including such a hierarchical in-place menu module as part of an operating system. Therefore, he also does not explicitly teach calling such a module via one or more application programming interfaces that would have been inherent if the menu functionality were encapsulated within a separate module and included as part of an operating system.

However, Jobs teaches providing commonly used menu functionalities in the form of a module, "MenuTools", directly from an operating system as an operating system extension (column 8, lines 31-40). Since the MenuTools is implemented as an object (module), and furthermore, as an extension to the operating system, it by necessity must provide one or more application programming interfaces so as to enable other applications to request its' services.

Yasuhiro teaches displaying an application menu as an in-place hierarchical menu, and Job teaches that menu implementation functionalities can be encapsulated in a module and such a module can be made part of the operating system. Based on these teachings, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teaching of Jobs with that of Yasuhiro to implement the hierarchical in-place menu of the computer designing CAD application as an extension module to the operating system, as a person of ordinary skill has good reason to pursue the known options within his/her technical grasp and such combination is likely the product not of innovation but of ordinary skill and common sense. Furthermore, the instant specification also admits that implementing the menuing task as a part of the operating system is generally performed by a menuing subsystem of an operating system executing on a computer (page 9, lines 7-8).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhiro in view of Cohen.

For claim 10, Yasuhiro discloses all the limitations of the top level menu and the second level menu except for both being "modal" menus. However, displaying a window or menu in either a modal or a non-modal state was a common practice in the art at the time of the invention as disclosed by Cohen. According to Cohen, three words embody the visual-interface style: responsiveness, permissiveness and consistency. Permissiveness allows the user to do anything reasonable. Menu-driven applications represent the opposite of permissive applications because they present a preset number of selections, which leads the user down a very definite path toward the performance of a function (page 2, line 15-18). Therefore, although Yasuhiro's menu is not intended to function as a modal menu, it would have been obvious given the general knowledge in the art at the time of the invention for a person of ordinary skill in the art to create Yasuhiro's menu as modal menu for the motivation as described by Cohen, which is to present a preset number of selections, which leads the user down a very definite path toward the performance of a function.

Response to Arguments

The Examiner appreciates Applicant's amendments and arguments filed on 07/23/2007, which have been fully considered, but are not persuasive.

Claims 31-32 and 34-37 are cancelled by the Applicant.

Claims 1-30, and 33 are currently pending.

Objections to both the drawings and the specification made in the prior Office Actions are hereby withdrawn in consideration of Applicant's amendments.

The rejections under 35 U.S.C. 102(b) for claims 1-9, and 11-30 as being anticipated by Yasuhiro, the rejection under 35 U.S.C. 103(a) for claim 33 as being unpatentable over Yasuhiro in view of Jobs and the rejection under 35 U.S.C. 103(a) for claim 10 as being unpatentable over Yasuhiro in view of Cohen made in the previous Office Action stands. Applicant argued that the asserted references, alone or in combination, do not disclose, teach or suggest the features added to these claims by the amendments. However, the applicant's argument was not persuasive since the added limitations are either anticipated by or obvious over the prior arts of record as discussed in detail in this Office Action hereinbefore.

In particular, the Applicant has mentioned two reasons for consideration in order to patentably distinguish the claims over the prior arts of record. The first reason to consider was that the operating system is recited comprising the module that is responsible for displaying a menu and that this operating system and module are separate entities from the one or more applications (see page 16). Although in the argument the Applicant mentions "the module" that is responsible for displaying a menu, the independent claims actually recite “at least one module configured to receive one or more menu calls”, and the Examiner relied on operating system routines inherent in Yasuhiro that must be invoked using system calls from the application requesting service from the operating system for various low-level functions such as reading from an input device, writing to a display device, memory management etc. needed for displaying a menu as reading on the recited “at least one module”. Such low-level operating system function modules are separate entities from the application. The second reason to consider with regard to the rejection of claim 33 was that the Applicant alleges that Jobs recites a toolbar that exposes operating system functions that can be leveraged in windows, when the independent claims as amended recites that menu items which are included in the menu originate from the one or more applications (see page 17). Although the Examiner disagrees with Applicant’s allegation that in Jobs the menu items do not originate from the one or more applications, the Examiner would like to point out that these features were not relied upon in the rejection. As for independent claim 33, Yasuhiro teaches the functionalities of the hierarchical in-place menu as required by the claim, but was only missing the limitations that required encapsulating the menuing tasks of the in-place hierarchical menu of his invention in a module and providing the module as part of the operating system. Therefore, Yasuhiro teaches that the menu items originate from the application since the menu items are part of the CAD application. Jobs on the other hand teaches encapsulating many common application menu items in a “MenuTools” module as part of the operating system (“...application menu objects...” c5:26, “...map directly to many common application menu items” c9:37-38) and providing these menu item functionalities to multiple applications from the operating system. Therefore Jobs provides the teaching of encapsulation at least one or more common menuing tasks in a module as part of the operating system which makes it obvious to modify Yasuhiro in view of Jobs to arrive at the present invention as recited in the rejection hereinabove. Although not relied upon for the rejection, it is worth mentioning that even in Jobs, the menu items provided using the MenuTools originate from the applications since they are commonly used application menu items and map directly to many common application menu items (c5:26, c9:37-38). In other words, even though Jobs teaches that the menu tools are implemented as part of the operating system, the menu items themselves are selected from commonly used application menu items and thus they can be said to originate from the one or more applications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

(Rashedul Hassan)

BA HUYNH
PRIMARY EXAMINER